

### **REMARKS/ARGUMENTS**

In response to the Appeal Brief dated January 18, 2005, the rejection of claim 13 has been withdrawn and prosecution has been reopened.

Claims 1 to 19 have been objected to because of informalities.

Claims 1 to 6 and 8 to 19 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Foster et al. (US 5,524,930). Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Foster in view of Wadzinski (US 5,146,829). Claims 1 to 6 and 8 to 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Ganneval (FR 2782504A1) in view of Foster.

Claims 1 to 19 have been amended to correct the informalities.

Reconsideration of the application is respectfully requested.

#### **Claim Objections**

Claims 1 to 19 have been objected to because of informalities. Claims 1 to 19 have been amended to correct the informalities, and it is agreed the fold center line and center line are defined as the same. Withdrawal of the objections to claims 1 to 19 is respectfully requested.

#### **35 U.S.C. 102 Rejections**

Claims 1 to 6 and 8 to 19 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Foster et al. (US 5,524,930).

Foster shows a midpoint 18 for creating a fold center line.

Claim 1 recites a perforating tool for perforating single or multiple layer material webs or sheets separated therefrom, the perforating tool comprising:

“the first section being adjacent the second section at a center line, the perforation-free gap of the first section extending from the center line to the plurality of perforating teeth.”

The Office Action identifies point 18 as the midpoint, and then identifies the edge of 16 as the centerline. The edge of 16 is not the center line of the Foster device as that term is defined by the present invention and specification, the center line for the fold (see Figs. 3 and 4) and thus the device in Foster goes through midpoint 18.

Moreover, the rejection is inconsistent as it defines the first section to the right of midpoint 18, and the second section to the left side of midpoint 18.

Foster thus does not meet the limitation of “the first section being adjacent the second section at a center line” if the center line is not at midpoint 18.

Claims 14 and 15 have a similar limitation.

Withdrawal of the rejections to claims 1 to 6 and 8 to 19 is respectfully requested.

### 35 U.S.C. 103 Rejections

Claims 1 to 6 and 8 to 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Ganneval (FR 2782504A1) in view of Foster.

The numbering assigned to Ganneval is improper (there is no 34) and thus withdrawal of the rejection is respectfully requested.

Moreover, to the extent the Office Action is asserting that Fig. 4 meets the limitations of the present claims 1, 14 and 15, it is noted that section 21 is linear and is formed together so that the parts are not angled. It is respectfully submitted that one of skill in the art would not have angled such a solid section, especially in view of Foster which requires discrete sections to provide angling.

In addition, the asserted motivation to combine “to enable the workpiece to twist more easily” is not understood or found in the prior art. Moreover, why would one of skill in the art seek to twist the workpiece easily?

With respect to claim 7, claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Foster in view of Wadzinski (US 5,146,829) and claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Ganneval (FR 2782504A1) in view of Foster in view of Wadzinski (US 5,146,829).


In view of the above, withdrawal of the rejection to claim 7 is also respectfully requested.

Withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
\_\_\_\_\_  
William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue  
New York, New York 10018  
(212) 736-1940